

SHARTSIS FRIESE LLP
ROBERT E. SCHABERG (Bar #81430)
SIMONE M. KATZ (Bar #246490)
One Maritime Plaza, Eighteenth Floor
San Francisco, CA 94111
Telephone: (415) 421-6500
Facsimile: (415) 421-2922
Email: rschaberg@sflaw.com; skatz@sflaw.com

Attorneys for Defendants
CorMatrix Cardiovascular, Inc., Robert G. Matheny,
David B. Camp, and Beecher Lewis

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DUKE ADVANTAGE, LLC, a company,
Plaintiff,

v.

CORMATRIX CARDIOVASCULAR,
INC., a corporation, ROBERT G.
MATHENY, an individual, DAVID B.
CAMP, an individual, and BEECHER
LEWIS, an individual,
Defendants.

Case No. C072950 HRL
Santa Clara Superior
Court Case No. 107 CV085326

**DECLINATION TO PROCEED BEFORE
MAGISTRATE JUDGE AND REQUEST
FOR REASSIGNMENT TO UNITED
STATES DISTRICT COURT JUDGE**

Notice of Removal Filed: June 6, 2007
Judge: Magistrate Judge Howard R. Lloyd

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

DATED: June 11, 2007

SHARTSIS FRIESE LLP

By: /s/ Simone M. Katz

SIMONE M. KATZ

Attorneys for Defendants
CORMATRIX CARDIOVASCULAR, INC.,
ROBERT G. MATHENY, DAVID B. CAMP,
AND BEECHER LEWIS

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SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111